

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1497

DAVID A. SIMPSON, P.C., substitute Trustee,

Plaintiff - Appellee,

v.

JENNIFER L. WILSON,

Defendant - Appellant,

v.

AURORA BANK FSB; AURORA LOAN SERVICES LLC,

Third Party Defendants - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Max O. Cogburn, Jr.,
District Judge. (3:11-cv-00576-MOC-DSC)

Submitted: September 27, 2012

Decided: October 1, 2012

Before MOTZ, DAVIS, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jennifer L. Wilson, Appellant Pro Se. Renner Jo Eberlein,
ROGERS, TOWNSEND & THOMAS, PC, Charlotte, North Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jennifer L. Wilson appeals the district court's order adopting the magistrate judge's recommendation and remanding the underlying action to North Carolina state court. We dismiss the appeal for lack of jurisdiction.

"Congress has placed broad restrictions on the power of federal appellate courts to review district court orders remanding removed cases to state court." Things Remembered, Inc. v. Petrarca, 516 U.S. 124, 127 (1995). Thus, remand orders are generally "not reviewable on appeal or otherwise." 28 U.S.C. § 1447(d) (2006). The Supreme Court has explained that the appellate restrictions of "§ 1447(d) must be read in pari materia with § 1447(c), so that only remands based on grounds specified in § 1447(c) [i.e., lack of subject matter jurisdiction and defects in removal procedures] are immune from review under § 1447(d)." Things Remembered, 516 U.S. at 127. Whether a remand order is reviewable is not based on a district court's explicit citation to § 1447(c); "[t]he bar of § 1447(d) applies to any order invoking substantively one of the grounds specified in § 1447(c)." Borneman v. United States, 213 F.3d 819, 824-25 (4th Cir. 2000).

Here, the district court's remand was based on its finding that it lacked subject matter jurisdiction over the case. Accordingly, because we lack jurisdiction to review the

merits of the district court's order, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED